



Sen. William R. Haine

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LRB096 09012 RLC 25708 a

1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381 on page 2,
3 line 17, by replacing "practitioners" with "physicians"; and

4 on page 3, by replacing line 12 with the following:

5 "more than 2 ounces of dried usable cannabis and 6 cannabis
6 plants, no more than 3 of which can be mature cannabis plants.

7 As used in this subsection (a), "mature cannabis plant" means a
8 female cannabis plant that meets one or more of the following 3
9 criteria: (1) has observable flowers or buds, (2) is at least
10 12 inches in height, or (3) is at least 12 inches in
11 diameter."; and

12 by replacing lines 16 through 26 on page 3 and lines 1 through
13 6 on page 4 with the following:

14 "(b) "Debilitating medical condition" means one or more of
15 the following:

16 (1) cancer, glaucoma, positive status for human

1 immunodeficiency virus, acquired immune deficiency
2 syndrome, hepatitis C, amyotrophic lateral sclerosis,
3 Crohn's disease, agitation of Alzheimer's disease, nail
4 patella, or the treatment of these conditions;

5 (2) a chronic or debilitating disease or medical
6 condition or its treatment that produces one or more of the
7 following: cachexia or wasting syndrome; seizures,
8 including but not limited to those characteristic of
9 epilepsy; or severe and persistent muscle spasms,
10 including but not limited to those characteristic of
11 multiple sclerosis;

12 (3) a debilitating disease or medical condition or its
13 treatment that produces intractable pain, which is severe,
14 debilitating pain that did not respond to other reasonable
15 medical efforts for a reasonable period of time, including
16 in cases where other treatment options produced serious
17 side effects;

18 (4) a debilitating disease or medical condition or its
19 treatment that produces severe, debilitating nausea that
20 did not respond to other reasonable medical efforts for a
21 reasonable period of time, including cases where other
22 treatment options produced serious side effects; or

23 (5) any other medical condition or its treatment
24 approved by the Department, as provided for in subsection
25 (a) of Section 20."; and

1 on page 5, by replacing lines 4 through 6 with the following:

2 "(h) "Physician" means a person licensed under the Medical
3 Practice Act of 1987 to practice medicine in all its branches
4 who has the authority to prescribe under Article III of the
5 Illinois Controlled Substances Act."; and

6 on page 5, line 17, by replacing "practitioner" with
7 "physician"; and

8 on page 6, by replacing lines 4 through 15 with the following:

9 "(n) "Written certification" means a document signed by a
10 physician, stating: (1) that in the physician's professional
11 opinion the patient is likely to receive therapeutic or
12 palliative benefit from the medical use of cannabis to treat or
13 alleviate the patient's debilitating medical condition or
14 symptoms associated with the debilitating medical condition;
15 (2) that the qualifying patient has a debilitating medical
16 condition and specifying what debilitating medical condition
17 the qualifying patient has; and (3) that the patient is under
18 the physician's care for the debilitating medical condition. A
19 written certification shall be made only in the course of a
20 bona fide physician-patient relationship after the physician
21 has completed a full assessment of the qualifying patient's
22 medical history."; and

23 on page 9, line 20, by replacing "practitioner" with

1 "physician"; and

2 on page 9, line 26, by replacing "practitioner's" with
3 "physician's"; and

4 on page 10, line 6, by replacing "practitioner" with
5 "physician"; and

6 on page 11, by inserting immediately below line 19 the
7 following:

8 "(n) For purposes of Illinois State law, the consumption or
9 use of cannabis by a registered qualifying patient shall be
10 considered lawful if it is authorized by and in accordance with
11 this Act."; and

12 on page 12, by replacing lines 16 through 18 with the
13 following:

14 "Act. The fee shall include an additional \$3 per registry
15 identification card which shall be used to develop and
16 disseminate educational information about the health risks
17 associated with the abuse of cannabis and prescription
18 medications. The Department may establish a sliding scale of";
19 and

20 on page 12, by inserting immediately below line 21 the
21 following:

1 "(c) Not later than 120 days after the effective date of
2 this Act, the Department shall promulgate rules governing the
3 manner in which it shall consider applications for and renewals
4 of registration certificates for medical cannabis
5 organizations, including rules governing the form and content
6 of registration and renewal applications, and a standard form
7 for written certifications."; and

8 on page 13, line 1, by inserting after "certification" the
9 following:

10 ", which shall be on a form developed by the Department"; and

11 on page 13, line 7, by replacing "practitioner" with
12 "physician"; and

13 on page 13, line 13, by replacing "practitioner" with
14 "physician"; and

15 on page 15, line 14, by replacing "practitioner" with
16 "physician"; and

17 on page 16, line 25, by replacing "practitioners" with
18 "physicians"; and

19 on page 18, line 3, by replacing "practitioners" with
20 "physicians"; and

1 on page 18, line 13, by replacing "practitioners" with
2 "physicians"; and

3 on page 18, by replacing lines 15 through 24 with the
4 following:

5 "(j) The Department shall develop and disseminate
6 educational information about the health risks associated with
7 the abuse of cannabis and prescription medications, which shall
8 be funded by the \$3 fees generated from registry identification
9 cards."; and

10 on page 19, line 2, by inserting ", nor shall it prevent the
11 imposition of any civil, criminal, or other penalties for any
12 such actions" after "following"; and

13 on page 19, by inserting immediately below line 21 the
14 following:

15 "(5) Use cannabis if that person does not have a
16 serious or debilitating medical condition.

17 (6) Allow any person who is not allowed to use cannabis
18 under this Act to use cannabis that a cardholder is allowed
19 to possess pursuant to this Act.

20 (7) Transfer cannabis to any person who is not allowed
21 to possess cannabis under this Act."; and

1 on page 20, by inserting immediately line 13 the following:

2 "(d) Nothing in this Act shall be construed to prevent the
3 arrest or prosecution of a registered qualifying patient for
4 reckless driving or driving under the influence of cannabis
5 where probable cause exists.

6 (e) This Act shall in no way limit an employer's ability to
7 discipline an employee for ingesting cannabis in the workplace
8 or for working while under the influence of cannabis. This Act
9 shall in no way limit an employer's ability to discipline an
10 employee for failing a drug test if failing to do so would put
11 the employer in violation of federal law or cause it to lose a
12 federal contract or funding."; and

13 on page 20, line 21, by replacing "practitioner" with
14 "physician"; and

15 on page 20, line 22, by replacing "practitioner's" with
16 "physician's"; and

17 on page 20, line 25, by replacing "practitioner-patient" with
18 "physician-patient"; and

19 on page 27, line 7, by replacing "reasonable" with "random";
20 and

21 by replacing lines 15 through 24 on page 30 and lines 1 through

1 13 on page 31 with the following:

2 "(a) By July 1, 2010, the Department shall adopt rules
3 defining the quantity of cannabis that could reasonably be
4 presumed to be a 60-day supply for qualifying patients.

5 (b) During the rule-making process, the Department shall
6 make a good faith effort to include all stakeholders identified
7 in the rule-making analysis as being impacted by the rule.

8 (c) Stakeholders shall include, but are not limited to:

9 (1) at least 3 physicians, one of whom must have prior
10 experience treating medical cannabis patients and another
11 who specializes in oncology;

12 (2) 2 nurses, one of whom must have prior experience
13 treating HIV/AIDS patients;

14 (3) a representative from hospice;

15 (4) a representative from the law enforcement
16 community;

17 (5) the Director of State Police or his or her
18 designee;

19 (6) a prosecuting attorney currently employed by the
20 State of Illinois;

21 (7) a public defender currently employed by the State
22 of Illinois;

23 (8) a defense attorney in private practice;

24 (9) a licensed phlebotomist;

25 (10) a horticulturist; and

26 (11) a representative of the business community."; and

1 on page 34, by inserting immediately below line 5 the
2 following:

3 "(3) Any registered qualifying patient or registered
4 primary caregiver who distributes cannabis to someone who is
5 not allowed to use cannabis is subject to a penalty enhancement
6 of not more than 2 years in prison or a fine of not more than
7 \$2,000, or both, for abuse of the Compassionate Use of Medical
8 Cannabis Pilot Program Act."